

The Flexibility for Individual Excellence in Education (FIX) Act

HR 3426 - Introduced by Congressman Jim Matheson to amend the No Child Left Behind Act

The FIX Act adds flexibility to NCLB's one-size-fits-all approach:

- **Increases local control**
- **Makes common sense fixes to teacher requirements**
- **Gives rural schools extra time and money to meet requirements**
- **Ensures that special education students are treated fairly by the law**
- **Returns control over calculating progress to the states**
- **Stops good schools from being lumped together with bad schools**
- **Maintains school accountability to parents**

Increases flexibility in satisfying Highly Qualified Teacher (HQT) requirements in each core subject

- Adds a college minor (or equivalent coursework) to the list of ways to satisfy HQT requirements in each core subject
- Increases the weight given to teaching experience under the "high objective uniform state standard of evaluation" (HOUSSE)

No one doubts the need for qualified teachers in our classrooms but the current overly-rigid definition undercuts experience and leaves little room for common sense. For example, if someone lives abroad, becomes fluent in another language, and earns a college minor in that language, that person isn't deemed "highly qualified" to teach that language simply because he or she didn't major in it.

Grants rural schools an extension to meet all HQT standards and authorizes an additional \$50 million to help them meet that goal

Rural schools face unique challenges in recruiting and retaining teachers, and teachers in rural areas often teach several different subjects, making current HQT definitions impractical.

Guarantees that tests for special education students are appropriate and fair

- Links the difficulty of testing to each student's Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA) and not to the grade level of his or her biological age or enrollment.

Under IDEA, the "least restrictive environment" clause requires schools to educate disabled students with their non-disabled peers to the maximum extent appropriate. Yet NCLB currently punishes schools that do so by forcing special education students to be tested at their enrolled grade level regardless of their personalized level of instruction and then penalizes their schools if those students fail to pass. Schools must already make IEP

agreements with the parents of special education students to ensure that these students are receiving the most appropriate level of education. My bill simply makes testing for each student correspond to his or her IEP.

Lets states, not the US Department of Education, decide to use multiple assessment measures instead of one standardized test in determining progress

The current system for measuring “adequate yearly progress” (AYP) has created a culture of high-stakes testing in which teachers are pressured to teach “to the test” and schools are forced to sharply reduce or eliminate arts, music, physical education, and even the hands-on activities critical to solid learning. Allowing schools to use multiple measures of progress, such as state report card indicators and graduation/drop-out rates, instead of single, high-pressure tests helps re-balance our priorities while still maintaining accountability.

Lets states, not the US Department of Education, decide to use growth models that track the progress of individual students over time

Under NCLB, schools may track the progress of the same students over time but their progress does not count toward AYP. AYP is determined each year by a snap-shot that compares each student subgroup in reading, math, and (recently) science against a state-wide “uniform bar.” A certain number from each subgroup must pass the test based on the standards set by the uniform bar. With few exceptions, each group must meet the same standard regardless of starting point or past performance. The growth model, in contrast, follows a cohort of students over time and compares their progress from their starting point.

Makes common sense changes to Adequate Yearly Progress (AYP) calculations

- Specifies that if a state chooses to use the original AYP program (vs growth), a group fails to make AYP if it fails in the same academic subject for two consecutive years, not if different groups fail different subjects

Under NCLB, if a school fails to meet one AYP goal for any student subgroup for two consecutive years, it can be designated as “needs improvement” and be required to submit to sanctions. In other words, if group A fails to meet AYP in year 1 but improves in year 2, the whole school will still be designated as “needs improvement” if group B succeeds in year 1 but falls short in year 2. My legislation corrects this flaw so that AYP failure occurs only when the *same* group fails in the *same* academic subject for two consecutive years.

Stops good schools from being lumped together with bad schools

- Specifies that failure to make AYP with regard to a particular group does not require the whole school to be labeled as “needs improvement.” Rather, schools can parse what they’re doing well from what they need to work on instead of being branded as “failing.”

Under NCLB, schools falling short on one or two indicators are treated exactly like schools failing all subgroups and subjects. This can have a negative impact on a school as students and parents become confused about the real quality of their school and the real (vs imagined) problems it must overcome. Because one of the major goals of NCLB was to improve parent information about school quality, differentiating good schools from truly bad ones bolsters the accountability of the original Act.

Increases local flexibility in addressing shortfalls

- Lets schools choose to offer supplemental services before transfer options
- States that only students from the subgroup failing to meet AYP *must* be offered the option to transfer schools or use supplemental services, not everyone in the school

Under NCLB, schools must offer transfer options before supplemental services (e.g. tutoring), and they must offer both transfer and tutoring to everyone in the school, regardless of how well a student is doing. In the case of school transfer, for instance, this means school must divert a portion of their already limited resources to pay for well-performing students to be bussed to a different school, leaving less money behind to help under-performing students.